

**Notice of Allowability**

Application No.

09/867,472

Examiner

Jerome Grant II

Applicant(s)

SAITO, TOSHIAKI

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6-21-2005.
2. ☒ The allowed claim(s) is/are 2,4-6,11,17 and 20-25.
3. ☒ The drawings filed on 31 May 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 6/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 07-25-2005
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

JEROME GRANT II  
PRIMARY EXAMINER

### **Examiner's Amendment**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Leonard Diana on July 25, 2005.

In the claims:

20. (Currently Amended by the Examiner) A computer program stored on a computer readable medium for a control method of controlling a communication apparatus having an image processor which processes color and monochrome images, and a communication controller which controls a communication with a partner apparatus, the method comprising the steps of:

setting whether a color image is transmitted as a monochrome image or not when the partner apparatus does not have color reception performance; and

controlling a switch between a memory transmission mode which starts transmission of an image after the image is stored in a memory, and a direct transmission mode which generates an image to be transmitted after the communication with the partner apparatus is started,

wherein when transmission of a color image is instructed, the controlling step selects the memory transmission mode if the transmission of the color image as a monochrome image is inhibited in the setting step, or the direct transmission mode if the

Art Unit: 2626

transmission of the color image as a monochrome image is permitted in the setting step.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 571-272-7463. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams, can be reached on 571-272-7463. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Grant II

**JEROME GRANT II**  
**PRIMARY EXAMINER**

**Reasons for Allowance**

1.

Claims 2, 4-6 and 11 are allowed for the reason the prior art does not teach or suggest in claimed combination, "... wherein when transmission of a color image is instructed, the mode controller selects the memory transmission mode if the transmission of the color image as a monochrome image is inhibited by the setter, or the direct transmission mode if the transmission of the color image as a monochrome image is permitted by the setter. "

Claims 17 and 22-25 are allowed for the reason the prior art does not teach in claimed combination, "... wherein when the transmission of a color image is instructed, the controlling step selects the memory transmission mode if the transmission of the color image as a monochrome image is inhibited in the setting step, or the direct transmission mode if the transmission of the color image as a monochrome image is permitted in the setting step. "

Claim 20 is allowed for the reason the prior art does not teach or suggest in claimed combination, "... wherein when transmission of a color image is instructed, the controlling step selects the memory transmission mode if the transmission of the color image as a monochrome image is inhibited in the setting step, or the direct transmission mode if the transmission of the color image as a monochrome image is permitted in the setting step."

Claim 21 is allowed for the reason the prior art does not teach or suggest in claimed combination, "... wherein when transmission of a color image is instructed, the controlling step selects the memory transmission mode if the transmission of the color image as a monochrome image is inhibited in the setting step, or the direct transmission mode if the transmission of the color image as a monochrome image is permitted in the setting step."

2.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 571-272-7463. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams, can be reached on 571-272-7471. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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